



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,220	07/25/2003	Timothy E. Jedlicka	LUTZ 2 00219	2440

7590 10/05/2005  
Richard J. Minnich  
Fay, Sharpe, Fagan, Minnich & McKee, LLP  
Seventh Floor  
1100 Superior Avenue  
Cleveland, OH 44114

EXAMINER

NGUYEN, DUC MINH

ART UNIT PAPER NUMBER

2643

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/627,220

Applicant(s)

JEDLICKA, TIMOTHY E.

Examiner

Duc Nguyen

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Reilly et al (5,825,769) in view of Siegel (6,766,277).

Consider claim 1, 10. O'Reilly teaches a system for detecting an atypical occurrence (traffic events, column(s) 6, line(s) 15-38) within a given region in telecommunications network (column(s) 5, line(s) 24-33, the NPA is the first 3 digits of a 10-digit telephone number that specify a geographical area), comprising means for assigning a given weight (column(s) 8, line(s) 60 through column(s) 9, line(s) 60) to each of a plurality of destination addresses (800/900 numbers) within the region according to the weighting system; means for collecting call data for the region for a given period of time (column(s) 5, line(s) 4-23), the call data including destination addresses (800/900 numbers) and corresponding call occurrence times (column(s) 5, line(s) 24-33; column(s) 15, line(s) 5-35); and means for developing a weighted call traffic pattern based upon the call data (see the entire abstract; column(s) 6, line(s) 15-38; column(s) 10, line(s) 1-57).

O'Reilly does not teach means for using the weighted call traffic pattern to detect an atypical occurrence within the region.

Siegel teaches a system for detecting an atypical occurrence (health crisis, for instance) within a given region (column(s) 5, line(s) 24-40), comprising means for assigning a given weight (column(s) 5, line(s) 13-23) to each of a plurality of destination addresses (column(s) 5, line(s) 13-23; column(s) 6, line(s) 45 through column(s) 7, line(s) 62) within the region according to the weighting system; means for collecting data for the region for a given period of time (column(s) 5, line(s) 13-40), the data including destination addresses (doctor or hospital; column(s) 5, line(s) 13-40; column(s) 6, line(s) 45 through column(s) 7, line(s) 62) and corresponding occurrence times (column(s) 8, line(s) 14-30; column(s) 9, line(s) 5-24); and means for developing a weighted pattern based upon the data (column(s) 9, line(s) 40 through column(s) 10, line(s) 8); and means for using the weighted pattern to detect an atypical occurrence within the region (see the entire abstract; column(s) 5, line(s) 13 through column(s) 6, line(s) 17) for the purpose of providing an early warning network that operates against a broad class of public health threats, such as bio-terrorism, accidental biological events, and/or naturally occurring diseases (column(s) 5, line(s) 13-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Siegel into the teachings of O'Reilly for the purpose mentioned above.

Consider claims 2, 11. The atypical occurrence is a public health crisis, the public health crisis including bioterrorist attacks and epidemics (Siegel, column(s) 5, line(s) 13-23).

Consider claims 3, 12. The destination addresses comprise telephone numbers (800/900 numbers as taught by O'Reilly).

Consider claims 4, 13. The weighting system includes giving more weight to telephone numbers associated with medical-related locations, pharmacies schools and workplaces than to other telephone numbers (column(s) 5, line(s) 13-23 as disclosed by Siegel).

Consider claims 5, 14. The call data comprises call detail records (O'Reilly, see the entire abstract; column(s) 6, line(s) 15-38; column(s) 10, line(s) 1-57).

Consider claims 6, 15. O'Reilly, column(s) 3, line(s) 12-25 and Siegel, column(s) 9, line(s) 40-60 read on the limitation sending the weighted destination addresses to a special database.

Consider claims 7, 16. Siegel, the entire abstract and column(s) 5, line(s) 24-40 read on the triggers (event triggers as taught by Siegel).

Consider claims 8, 17. Siegel, column(s) 5, line(s) 13-23 reads on the plurality of destination addresses (hospital, doctor, drug stores or pharmacies).

3. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Reilly et al (5,825,769) in view of Siegel (6,766,277) as applied to claims 1 and 10 above, and further in view of Nolting (6,282,267).

Consider claims 9, 18. O'Reilly in view of Siegel does not teach the use of IAM.

Nolting teaches the use of IAM (see fig(s) 5-6; column(s) 7, line(s) 31 through column(s) 8, line(s) 52; column(s) 11, line(s) 50-61) for the purpose of studying the number of calls to particular numbers during various time periods and the hold time of the calls in order to identify the numbers of Internet Service Providers (ISPs). Another example would involve a situation where traffic analysis may indicate the amount of traffic between two end offices and the

Art Unit: 2643

percentage thereof routed through a tandem office, to allow network planners to design trunk upgrades between the various offices and/or to plan the addition of new offices (column(s) 5, line(s) 3-21).

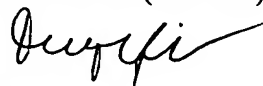
Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Nolting into the teachings of O'Reilly in view of Siegel for the purpose mentioned above.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is 571-272-7503. The examiner can normally be reached on 7:00AM to 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kuntz Curtis can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Duc Nguyen  
Primary Examiner  
Art Unit 2643

9/30/05